

TOWN OF CORNWALL

ZONING BOARD

August 19, 2013

MEMBERS PRESENT: LENORA RANSOM, CHAIRPERSON
 EILEEN REGAN
 WILLIAM LEE
 TED DOBIAS
 ARLENE ROBERTS

ALSO PRESENT: ADAM RODD, ESQ.
 ZONING BOARD ATTORNEY

MEETING AGENDA:

1. Carrie Helmer

REGULAR MEETING:

MS. RANSOM: The August 19, 2013 meeting of the Cornwall Zoning Board of Appeals will now come to order.

PUBLIC HEARING:

CARRIE HELMER

MS. RANSOM: We have one public hearing on the request of Carrie Helmer, 251 Orrs Mills Road. We'll read the legal notice. Notice is hereby given that the Zoning Board of Appeals of the Town of Cornwall, County of Orange, State of New York will hold a public hearing at the Town Hall, 183 Main Street, Cornwall, New York on August 19, 2013 at 7:00 p.m. or soon thereafter as the matter can be heard on the application of Carrie Helmer relating to property located at 251 Orrs Mill Road and designated on the tax map as Section 1, Block 2, lot 20. The applicant seeks an area variance to Section 158-12 Part One, SLR district, Use Group B, Column Number 5 of the Zoning Ordinance in order to construct an eight by 32 foot covered porch with insufficient front yard. The ordinance requires 60 feet of front yard and the applicant proposes 34 feet front yard. The zoning board will at the above time and place hear all persons interested in the application. All written communication should be received by the board at or prior to the hearing. Dated: July 8, 2013 by Order of the Zoning Board of Appeals, Town of Cornwall, Lenora Ransom, Chairperson.

MS. HELMER: Hi, good evening.

MS. RANSOM: Do you have your mailings and your newspaper?

MS. HELMER: Yes, I do.

MS. RANSOM: Can we just have your name for the record, please?

MS. HELMER: Carrie Helmer, 251 Orrs Mills Road. The variance from the ZBA we're requesting that we get another eight feet for setbacks on the front porch. We purchased the house April or May of this year and we're doing a lot of work to the house. We've got permission to put a back porch on as you can see in the drawings and we're proposing a front porch so the tenants will have an existing place to come in that's covered. Also we'll conform with the rest of the neighborhood look wise and we'll also, we have the views across the street that we love to see. Don't know what other information you need.

MS. RANSOM: So 60 feet is required and the house right now sits 41 1/2 feet off Orrs Mills Road?

MS. HELMER: Right, the existing house is 41.5 so we're requesting an additional eight feet.

MS. RANSOM: Basically you're requesting roughly 34 feet?

MS. HELMER: Right.

MS. RANSOM: Questions?

MS. ROBERTS: No.

MS. REGAN: Just saying the existing house is now 41.50 so there was already an eight foot variance?

MS. RANSOM: Well, from 60, no, it's more than that.

MS. HELMER: It wasn't conforming to begin with so we're asking for an additional eight feet, the way the porch came out now it had no cover on it so we actually are just asking for an additional eight feet.

MS. RANSOM: But it's 26 feet from code, eight from the existing?

MS. HELMER: Right.

MS. RANSOM: And do you think that that's going to enhance the look of the house?

MS. HELMER: It's going to enhance the neighborhood look, I'm sure you guys all are aware of the problems you've had with this house for the last five years. We have gutted completely the inside of the house, we're gutting the outside of the house, we're practically starting over.

MS. RANSOM: By the drawings you're changing the roof line then?

MS. HELMER: We're changing the front roof line so we can have an actual covered porch so when the tenants or whoever comes in will actually be able to sit outside, enjoy the view, standing with their groceries, have a covered porch up front.

MS. RANSOM: Okay, and so the porch is going to go the

full length of the house?

MS. HELMER: Yes, the full length of the house that would soften the house a little bit because the house is so small, it will make it actually better on the eye. Is that the proper way of saying it?

MS. RANSOM: Will it make it too dark on the inside?

MS. HELMER: No, it's not cause we have enough windows on the back of the house and side of the house, we left all the existing windows so there's enough light in the house. Actually makes the house brighter if you could believe it.

MS. RANSOM: Okay, and it's going to pretty much look like this?

MS. HELMER: Just going to look exactly like that. I don't know if we'll do the lattice up front but it will look similar to that.

MS. RANSOM: And obviously since there's Tyvek paper all around the whole thing is being re-sided?

MS. HELMER: Re-siding with CertainTeed siding, the board so it's not vinyl.

MS. RANSOM: So the porch is going to be a wood structure?

MS. HELMER: Yes, going to be Trex.

MS. RANSOM: How many stairs are going to be going up?

MS. HELMER: I think there's only four steps.

MR. HELMER: About 40 inches so you're looking at, I'm sorry--

MS. HELMER: Four steps from the landing.

MS. REGAN: Four steps and the landing is five.

MS. HELMER: Yes.

MS. RANSOM: How far from the street are the stairs going to be?

MS. HELMER: That's where I think that is.

MS. RANSOM: Is that where this is measured?

MS. HELMER: Yes.

MR. HELMER: They're going to project out probably another five feet.

MS. ROBERTS: I think it's 32.4.

MS. HELMER: They'd land where the existing slab is now, that's the existing slab that's there now so they'd land right there and then we'd just move it down a little bit so we'd just actually wouldn't come any farther than the existing concrete slab except we'd put another two feet.

MS. RANSOM: So this is--

MS. HELMER: When I talk about a variance, they don't talk about the actual landing, they only talk to the end that's how far it would be the eight feet that we'd be requesting would end here.

MS. RANSOM: So you have, so you have your eight feet and four feet coming out towards the road?

MS. HELMER: Is it going to be four feet?

MR. HELMER: Probably a little less.

MS. RANSOM: So what's a fair number?

MR. HELMER: I believe it's 40 inches for the rise so it's around four feet, it's right around four feet.

MS. RANSOM: And are you planning to do anything with the trees that are in the front of the house?

MS. HELMER: Well, we have to trim them and take some down because some are very overgrown, we haven't gotten to that point yet. We've got to see how much money we're spending everywhere else. Eventually it will be done but not saying it will be done before the sale.

MS. REGAN: Are you painting the porch woodwork? How's it going to be finished?

MS. HELMER: It's going to be Trex materials which is--

MS. REGAN: The railings too, everything?

MS. HELMER: Trex.

MS. ROBERTS: Trex is a color.

MR. HELMER: I don't have a sample that will be the deck.

MS. REGAN: What about the posts?

MR. HELMER: White composite material.

MS. REGAN: Because I know you don't do that in Trex.

MR. HELMER: It a Trex brand material but it's a pre-finished white.

MS. HELMER: Trying to stay away from anything that's going to take maintenance, looking for no maintenance exterior or the house.

MS. REGAN: And what color is the siding going to be?

MR. HELMER: It's a creamy cement board siding, cream colored, it's on the garage now, we're starting on there.

MS. REGAN: What about the roof?

MS. HELMER: We have it.

MS. REGAN: No, that's fine, what kind of roof?

MS. RANSOM: So the top of the garage is what the color of the house is going to be?

MR. HELMER: Yes.

MS. RANSOM: And the bottom is going to get painted?

MR. HELMER: Yes, just powerwashed it, got it painted.

MS. HELMER: We have to get the new garage doors before we do that.

MR. DOBIAS: I was going to ask about the trees, the two trees you have in the front.

MS. HELMER: We'd like to take them down, I wasn't sure

how anybody would feel about that, try to avoid talking about the trees.

MR. DOBIAS: It will block your views from the porch.

MS. HELMER: Yes, they need to be trimmed and we counted five that need to be taken down.

MR. HELMER: We started with seven but it started to make the place look barren once you took all of them down so--

MS. HELMER: Definitely there's four or five that definitely need to come down.

MR. DOBIAS: You're doing a good job, looks good.

MR. HELMER: Thank you.

MR. LEE: No questions.

MS. RANSOM: Is there anyone in the audience that would like to speak? Could we have your name and address for the record?

MR. BURRIS: Yes, my name is Paul Burris, I live at 247 Orrs Mills Road which is right next to this property. I had an opportunity to look at the plans for this property and not only would it be a vast improvement to that property but also a much greater representation of the properties in the area and to the town. I'm the one that would be most affected by it because I'm, my property's closest to it and I have absolutely no problem at all with anything that they want to do.

MS. RANSOM: Thank you, Mr. Burris, we appreciate that. Name and address for the record please?

MR. HAMILTON: Bill Hamilton, 263 Orrs Mills. I'm two doors east of or two houses east of this property and I have seen the plans and anything that's being done is quite a bit compared to what's been sitting there for the last 15 years, including all of the luggage and furniture and everything that was set out on the street for about three or four months when the person that was in there I guess got evicted. So I think anything that's done there will improve the area.

MS. RANSOM: Thank you very much. We appreciate your comments. Any other questions? Arlene?

MS. ROBERTS: No.

MS. REGAN: No.

MR. DOBIAS: No.

MR. LEE: No.

MS. RANSOM: Anything else you'd like to add?

MS. HELMER: No, thank you for talking your time coming out.

MS. RANSOM: Let the record show that the county has responded to the reviews since this is within 500 feet of a county road and they have indicated that there's no evidence that significant inter-municipal or county wide impacts would result from this approval. And they just discuss to follow the steps of a variance.

REGULAR MEETING:

MS. RANSOM: Okay, to our regular meeting.

APPROVAL OF MINUTES:

MS. RANSOM: The minutes of the July 15 meeting have been distributed, are there any additions or corrections? Do I have a motion to approve the minutes as submitted?

MR. DOBIAS: So moved.

MS. REGAN: Second it.

ROLL CALL

MS. ROBERTS	AYE
MS. REGAN	AYE
MR. DOBIAS	AYE
MR. LEE	AYE
MS. RANSOM	AYE

CORRESPONDENCE

MS. RANSOM: Let the record show the board received a letter from Mrs. Nancy Lewitt dated August 4, 2013. Do I have a motion that the board go into closed session to address legal issues with board's counsel?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. ROBERTS	AYE
MS. REGAN	AYE
MR. DOBIAS	AYE
MR. LEE	AYE
MS. RANSOM	AYE

(Whereupon, a brief recess was taken.)

DECISION - HELMER

MS. RANSOM: As we said earlier, we had the public hearing requested by Carrie Helmer, 251 Orrs Mills Road. Do I have a motion to close the public hearing?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. ROBERTS	AYE
MS. REGAN	AYE
MR. DOBIAS	AYE
MR. LEE	AYE
MS. RANSOM	AYE

MS. RANSOM: Let's take the grounds for relief for an area variance one at a time. Will the variance sought produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties in the neighborhood in which the applicant's property is situated?

MS. REGAN: No, no.

MS. RANSOM: And I think while they, it's already a non-conforming lot, they're going to increase the non-conformity but it's, there are other houses in the neighborhood with covered porches and I think aesthetically it will improve the house. Can the benefits sought by the applicant be achieved by some method feasible for the applicant other than an area variance?

MS. REGAN: Well, it's really--

MS. RANSOM: It's already non-conforming. Is the requested variance substantial? It's eight feet from the existing structure and 26 feet from the code, I mean, it's substantial but since I don't think it's going to be a detriment to the neighborhood or have an adverse effect I don't think that the size at this point should be an issue.

MR. DOBIAS: No.

MS. RANSOM: You okay with that?

MS. ROBERTS: Yes.

MS. RANSOM: Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district?

MS. REGAN: No.

MR. DOBIAS: No.

MS. RANSOM: As I said, I think it will enhance the look of the house, soften the roof line, make it more aesthetically pleasing. Is the applicant's alleged difficulty in complying with applicable zoning self-created?

MS. REGAN: Yes.

MS. RANSOM: Yes, but again, because it's not going to have an undesirable change in the neighborhood or affect the environment, the neighbors were in favor of it, I don't feel that that should carry a lot of weight. Do I have a motion to approve the variance request to construct an eight by 32 foot covered porch where the ordinance requires 60 feet front yard and the applicant proposes 34 feet?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. ROBERTS	AYE
MS. REGAN	AYE
MR. DOBIAS	AYE
MR. LEE	AYE
MS. RANSOM	AYE

MS. RANSOM: Do I have a motion that this area variance is a Type II action under SEQRA?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. ROBERTS	AYE
MS. REGAN	AYE

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MR. DOBIAS	AYE
MR. LEE	AYE
MS. RANSOM	AYE

MS. HELMER: Thank you very much.

MS. RANSOM: Thank you for coming out to support this. Our next meeting is the 16th of September. Motion to adjourn?

MS. REGAN: So moved.

MR. DOBIAS: Second it.

ROLL CALL

MS. ROBERTS	AYE
MS. REGAN	AYE
MR. DOBIAS	AYE
MR. LEE	AYE
MS. RANSOM	AYE

Respectfully Submitted By:

Frances Roth
Stenographer